

REMARKS

Claims 1-12 are pending. By this amendment, Figures 1-3 have been amended to correspond with the originally filed informal figures. Reconsideration and allowance are respectfully requested in view of the following remarks. No new matter is believed added.

During the telephone interview conducted on August 13, 2003 between Applicants' representatives and the Examiner, Applicants' representatives pointed out various errors that were mistakenly, and without deceptive intent, included in the formal drawings. In particular, as compared to the originally filed drawings, several lead lines were inadvertently changed and some features were mistakenly left out. For example, the location of the lead line for reference numeral 126 in FIG. 3 was inadvertently altered from the originally filed drawings. Since these errors impacted the Examiner's interpretation of prior art figures 1 and 2, Applicants' representatives inquired as to whether these amendments would be considered after the final rejection. The Examiner stated that she would need to speak with her supervisor since she had not seen this situation previously. As a result, no agreement was reached during the interview.

In the Final Office Action, claims 1-5, 7-9 and 11 are rejected under 35 U.S.C. § 103(a) as being obvious over Merchant (U.S. Patent No. 5,412,241) in view of Applicants' Related Art; claims 6 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Merchant in view of Applicants' Related Art and Seeds et al. (U.S. Patent No. 3,936,858); and claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Merchant in view of Applicants' Related Art, Seeds et al., and Shirahata et al. (U.S. Pub. No. 2002/0175380). In each of these rejections, the Office asserts, *inter alia*, that Applicants' Related Art shows (1) a second gate oxide; and (2) a second gate oxide formed over a portion of the first gate oxide.

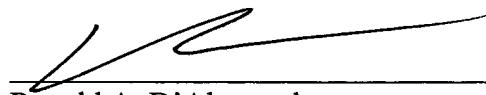
After reviewing the marked up figures provided by the Examiner along with the final office action, Applicants recognized that the lead lines for several reference numerals in the Serial No.: 10/015,847

formal drawings were mistakenly altered from the originally filed drawings, and some features included in the originally filed drawings were mistakenly left out of the formal drawings. In response, Applicants have amended the drawings herein to correct the various lead lines, and include the features that were mistakenly left out of the formal drawings.

Due to the various mistakes included in the formal drawings, Applicants respectfully submit that the Office misinterpreted Applicants' related art. In particular, the Office was in error in determining the location of the second oxide layer. In light of the amended figures, Applicants respectfully submit that Applicants' related art does not show a second oxide layer. Specifically, Fig. 3 shows a first oxide layer 124, and a second oxide layer 126 in gate region 130. Accordingly, because the cited combination of art fails to teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of these rejections.

In light of the above, Applicants submit that all claims are in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



Ronald A. D'Alessandro
Reg. No. 42,456

Dated: 8/14/03
Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, NY 12207
(518) 449-0044 - Telephone
(518) 449-0047 – Facsimile

Attachments